

REMARKS

The telephone interview with the Examiner on April 28, 2004 is greatly appreciated. Because no agreement has been reached, Applicant submits this formal response.

In the Final Office Action dated March 11, 2004, the Examiner argues that the term "linking value" does not have a specific definition in the art and that any value that links two or more objects together may constitute a linking value. The Examiner is correct in noting that the term "linking value" is not a term of art in the field of cryptography. That, however, does not mean that the term "link" or "linking" has no meaning. When a term is undefined, it is given its ordinary meaning. The transitive form of the term "link" or "linking" means "to connect or couple with." As described in the patent specification, the linking value, such as a nonce, connects or couples a time indication in one receipt to identifying data in a second receipt. Thus, the term "linking value" as used in the patent specification and claims refers to a value that links information in two distinct receipts.

The Examiner applies a broader definition of the term "linking" that ignores the implicit connecting or coupling function. It is true that multiple time stamp receipts are generated in Haber, and that the same values are present in the time stamp receipts. More particularly, the Examiner notes that each time stamp receipt in Haber includes the same document hash and author ID. However, neither the document hash nor the author ID has the purpose or function of connecting information in the receipts. That is, the document hash and author IDs do not link the other information in the receipts, which is the purpose of the linking value in the claimed invention.

Applicant believes that the ordinary meaning of the term "linking value" implicitly connotes a value that links information in two distinct receipts. However, to avoid dispute with the Examiner over the meaning of the term "linking value," the claims have been amended to incorporate the ordinary meaning of the term "linking value" into the claim. In Applicant's view, the amendments do not narrow the scope of the claim, but make explicit what is already implicit

in the claim language. Specifically, claim 1 has been amended to include the step of "inserting a linking value into said first and second receipts that links the identifying data in the first receipt with the time indication in the second receipt." Claim 9 has been amended to state that "said first and second receipts include a linking value that links the identifying data in the first receipt with said time indication in the second receipt."

The amendments to the claims should not require a new search and therefore should be entered. § 904.03 of the MPEP states:

It is normally not enough that references be selected to meet only the terms of the claims alone, especially if only broad claims are presented; but the search should, insofar as possible, also cover all subject matter which the Examiner reasonably anticipates might be incorporated into Applicant's amendment.

The summary of the invention clearly indicates that the invention comprised a two-part receipt with a nonce or linking value that "serves as a link between the two parts of the time stamp receipt." In the response dated January 23, 2004, Applicant's counsel argued that the prior art did not disclose "a linking value that links a time value in one receipt to identifying data in a different receipt." Applicant's argument clearly pointed out what Applicant thought was his invention. In the Final Office Action dated March 11, 2004, the Examiner states:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Haber never discloses a linking value that links a time value in one receipt to identifying data in a different receipt) are not recited in the rejected claim(s).

Thus, it is apparent from the Final Office Action that the Examiner understood what Applicant regarded as his invention. Applicant can only assume that the Examiner has already conducted a complete search as required by § 904.03 of the MPEP, which requires the Examiner to search "all subject matter which the Examiner reasonably anticipates might be incorporated into applicant's amendment." § 714.13 discusses the circumstances under which an amendment after final should be made. § 714.13 states that amendments should be allowed if the amendment places the case in better form for appeal. The MPEP states:

The refusal to enter the proposed amendment should not be arbitrary. The proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.


The amendments made in this case are simply to incorporate what Applicant believes is the ordinary meaning of the term "linking value" into the language of the claims to avoid dispute over the meaning of the term. Thus, the amendment simplifies the issues for appeal by eliminating any dispute over the proper meaning of the term "linking value." Further, the amendment merely incorporates arguments which have already been presented and considered by the Examiner so the amendment do not raise any new issues.

For reasons stated above, Applicant believes that the amended claims define patentable subject matter over the prior art made of record by the Examiner. Even if the Examiner does not agree, the Examiner should enter the amendments so that the issue can be decided by the Board of Appeals.

Respectfully submitted,

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